

CASE 12-C-229 KANAWHA PAGE 1
MARY LOUISE DEEMER vs. HI-LAD, INC.,

LINE	DATE	ACTION
1	02/06/12	# ISSUED SUM & 1 CPY; F FEE; RCPT 484403; \$155.00; CASE INFO
2		# SHEET; COMPLAINT
3	02/10/12	# LET FR SS DTD 2/7/12; SUM W/RET (2/7/12 SS) AS TO HI-LAD INC
4	02/14/12	# E-CERT FR SS AS TO HI-LAD INC., DTD 2/9/12 SIGNED BY LISA
5		# WEEKLEY

A TRUE COPY
TESTED BY: *[Signature]*
CIRCUIT COURT KANAWHA COUNTY, W.VA.

USPS requires a signature for non-delivered, return-to-sender certified letters. Listing on this document does not guarantee delivery. If the signature below is that of either Kathy Thomas, Deanna Karlen, State of West Virginia or Central Mailing Office, this letter has not been served. Please verify all signature pages.

1 (1) 2/13/2012 12:00:00 AM HI-Lad, Inc.

FILED

2012 FEB 14 AM 8:27

CATHY S. GATSON, CLERK
KANAWHA CO. CIRCUIT COURT

4-5

AS



Date Produced: 02/13/2012

WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 7192 3790 0010 0060 3961. Our records indicate that this item was delivered on 02/09/2012 at 11:19 a.m. in VIENNA, WV, 26105. The scanned image of the recipient information is provided below.

Signature of Recipient:

Signature: *Lisa Weekley*
Printed Name: *Lisa Weekley*

Address of Recipient:

Address: *49-61st St,*

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3418879 47695721

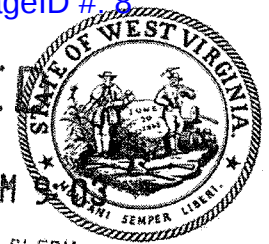
Office of the Secretary of State
 Building 1 Suite 157-K
 1900 Kanawha Blvd E
 Charleston, WV 25305



9171 9237 9000 1000 6039 61

FILED

2012 FEB 10 AM 9:05



CATHY S. GATSON, CLERK
 KANAWHA COUNTY CIRCUIT COURT

Natalie E. Tennant

Secretary of State
 Telephone: 304-558-6000
 Toll Free: 866-SOS-VOTE
 www.wvsos.com

ControlNumber: 329684

Defendant: HI-Lad, Inc.

County: 20

2/7/2012

Civil Action: 12-C-229

Cathy Gatson, Circuit Clerk
 Kanawha County Courthouse
 111 Court Street
 Charleston WV 25301-2500

I am enclosing:

<input type="checkbox"/> summons	<input type="checkbox"/> affidavit	<input checked="" type="checkbox"/> 1 summons and complaint
<input type="checkbox"/> notice	<input type="checkbox"/> answer	<input type="checkbox"/> summons and verified complaint
<input type="checkbox"/> order	<input type="checkbox"/> cross-claim	<input type="checkbox"/> summons and amended complaint
<input type="checkbox"/> petition	<input type="checkbox"/> counterclaim	<input type="checkbox"/> 3rd party summons and complaint
<input type="checkbox"/> motion	<input type="checkbox"/> request	<input type="checkbox"/> notice of materialmans lien
<input type="checkbox"/> suggestions	<input type="checkbox"/> notice to redeem	<input type="checkbox"/> notice of mechanic's lien
<input type="checkbox"/> interrogatories	<input type="checkbox"/> request for production	<input type="checkbox"/> re-issue summons and complaint
<input type="checkbox"/> discovery	<input type="checkbox"/> request for admissions	<input type="checkbox"/> subpoena duces tecum
<input type="checkbox"/> suggestee execution	<input type="checkbox"/> notice of uim claim	<input type="checkbox"/> Other
<input type="checkbox"/> subpoena	<input type="checkbox"/> writ	
<input type="checkbox"/> stipulation	<input type="checkbox"/> writ of mandamus	

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
 Secretary of State

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

MARY LOUISE DEEMER,

Plaintiff,

v.

HI-LAD, INC. d/b/a COMFORT INN,

Defendant.

2012 FEB 10 AM 9:03

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

CIVIL ACTION NO. 12-C-229
JUDGE Bloom

ACCEPTED FOR
SERVICE OF PROCESS
2012 FEB -7 PM 12:30
SECRETARY OF STATE
STATE OF WEST VIRGINIA

SUMMONS

TO DEFENDANT: HI-LAD, INC. d/b/a COMFORT INN
49 61ST STREET
PARKERSBURG, WV 26105

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon LIA DITRAPANO FAIRLESS, ESQ., 604 Virginia Street, East, Suite 307 Charleston, West Virginia, 25301; an Answer, including any related counterclaim you have, to the Complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your Answer within thirty (30) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Date:

WV Secretary of State
.....
Receipt #: 980802
Station ID: H01
.....
List Of Services
.....
sp s hi lad inc \$20.00
Total: \$20.00
Payment Details:
.....
ditrapano law firm \$20.00
k 3727
Original Transaction Date: 02/07/2012
Thank You For Your Business!

Wood

CIVIL CASES

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED
2012 FEB -5 PM 2:37
CATHERINE GAISLER, CLERK
KANAWHA CO. CIRCUIT COURT

I. CASE STYLE:

MARY LOUISE DEEMER,
Plaintiff,

Case #: 12-C-229
Judge: Bloom

vs.

HI-LAD, INC. d/b/a COMFORT INN,
Defendant.

Days to Answer:Type of Service:

HI-LAD, INC. d/b/a Comfort Inn
49 61st Street
Parkersburg, West Virginia 26105

30

Corporate

Original and 4 copies of Complaint furnished herewith.

PYMT Type K
Rcpt # 484403 \$155 ☒ \$135 ☐
Iss. Sum. + cc No Sum. Iss
Ret. to Atty. \$20cm X
Mailed CM/RM ☒ \$5 clk X ☐
☒ Mailed to sos w/ck# ☐
Sent to ☐ w/ck# ☐

PLAINTIFF: **MARY LOUISE DEEMER**

CASE NUMBER:

DEFENDANTS: **HI-LAD, INC. d/b/a COMFORT INN,**

II. TYPE OF CASE: General Civil

TORTS	OTHER	CIVIL
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other (debt)
<input checked="" type="checkbox"/> General Civil	<input type="checkbox"/> Appeal of Administrative Agency	

III. JURY DEMAND: ☒ Yes ☐ NoCASE WILL BE READY FOR TRIAL BY (Month/Year): 02 / 2013

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ Yes ☒ No

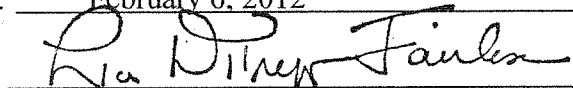
IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☒ Other: Unknown at this time.

Attorney Name: Lia DiTrapano FairlessFirm: DiTrapano Law Firm, PCStreet: 604 Virginia Street East, Suite 307City/State/Zip: Charleston, West Virginia 25301Telephone: (304) 414-0184

Representing:

☒ Plaintiff☐ Defendant☐ Cross-Complainant☐ Cross-DefendantDated: February 6, 2012


Signature

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

MARY LOUISE DEEMER
Plaintiff,

v.

HI-LAD, INC.,
a West Virginia Corporation, d/b/a COMFORT INN
Defendant.

CIVIL ACTION NO: 12-CV-229

FILED
2012 FEB -6 PM 2:37
CATHY S. GATES
KANAWHA COUNTY CLERK
COURT
Bloom

COMPLAINT

COMES NOW, Mary Louise Deemer, by counsel and for her Complaint against Defendant,
states as follows:

1. At all times mentioned herein, Plaintiff Mary Louise Deemer was and is a citizen of Kanawha County, West Virginia.
2. At all times mentioned herein, Defendant HI-LAD, Inc., was and is a West Virginia Corporation doing business in Kanawha County, West Virginia.

**COUNT I
WEST VIRGINIA WAGE PAYMENT AND COLLECTION ACT**

3. Plaintiff repeats and re-alleges the allegations set forth in Paragraphs 1 through 2, as if fully set forth herein.
4. Plaintiff was an employee of Defendant.
5. Defendant compensated Plaintiff on a salary basis.
6. Defendants required Plaintiff to be at work during certain time periods and during the hours spent at work Plaintiff performed duties as assigned or was engaged to wait for work

assignments.

9. Defendant did not settle with the Plaintiff at least once in every two (2) weeks and pay her wages due for her work provided as an employee of Defendants as required by the West Virginia Wage Payment and Collection Act. § 21-5-1 et seq.

10. Plaintiff last worked for Defendant on or about June, 2011.

11. Defendant terminated Plaintiff's employment and did not pay Plaintiff all wages due within 72 hours as required by the West Virginia Wage Payment and Collection Act. § 21-5-1 et seq.

12. As a proximate result of the Defendant's refusal and/or failure to timely pay the Plaintiff all wages due, s he was required to hire an attorney to investigate, institute, and prosecute this action.

13. Defendant now owes the Plaintiff wages and liquidated damages pursuant to the West Virginia Wage Payment and Collection Act. § 21-5-1 et seq.

WHEREFORE, the Plaintiff demands judgment against the Defendant for an amount equal to loss of all wages, plus interest; liquidated damages; attorney fees and costs; and such further equitable and legal relief as this Court deems just and proper.

COUNT II
FAIR LABOR STANDARDS ACT

14. Plaintiff repeats and re-alleges the allegations set forth in Paragraphs 1 through 13, as if fully set forth herein.

15. This is an action brought by the Plaintiff to recover damages due and owing to her as a direct result of the Defendant's violation of Federal law known as the Fair Labor Standards Act for failure to pay minimum wage and overtime pursuant to 29 U.S.C. 206 and 207, for money damages, liquidated damages, costs, injunctive relief, attorney's fees and other relief as a result of Defendant's

applied policy and practice of designating Plaintiff exempt and not paying Plaintiff minimum wage and overtime in violation of Federal and State wage and hour laws.

16. During all times mentioned herein, including the three (3) years preceding the filing of this Complaint to the present time, or during portions of that period, the Defendant employed the Plaintiff in connection with the business of the Defendant. The Defendant was engaged in commerce.

17. Defendant was fully aware of the exact duties and responsibilities assigned to Plaintiff and knew or should have known that she was therefore illegally not paid for hours worked.

18. During her employment with Defendant, Plaintiff was required to be at work during certain time periods and during the hours spent at work Plaintiff performed duties or was engaged to wait for work assignments.

19. Defendant was also fully aware of the law regarding the payment of wages.

20. Despite Defendant's knowledge of the law regarding the payment of wages, Defendant willfully, and/or negligently, failed and refused to correct its illegal actions and to pay minimum wage and overtime to Plaintiff.

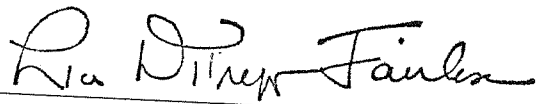
21. Defendant failed and refused to compensate Plaintiff for all hours worked in violation of Federal and State wage and hour laws through the use of the policy and practice described herein.

WHEREFORE, the Plaintiff demands judgment against the Defendant for an amount equal to loss of all wages; plus interest; liquidated damages; attorney fees and costs; and such further equitable and legal relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully submitted,

MARY LOUISE DEEMER,

By: 
LIA DITRAPANO FAIRLESS
WV State Bar ID #6884
Counsel for Plaintiff

DITRAPANO LAW FIRM, PC
604 Virginia Street, East, Ste. 307
Charleston, WV 25301
(304) 414-0184

In the Circuit Court, Kanawha County, West Virginia

I. CASE STYLE:

Plaintiff(s)

Case No.: 12-C-229

Mary Louise Deemer
Name

Judge: Louis H. "Duke" Bloom

V.

Defendant(s)

Days to
Answer

Type of
Service

Hi-Lad, Inc. d/b/a Comfort Inn
Name

Document this form is being filed with: NOTICE OF REMOVAL

Case No.: 02-C-2055

Plaintiffs: Mary Louise Deemer
Defendants: Hi-Lad, Inc. d/b/a Comfort Inn

II. TYPE OF CASE:

TORTS	OTHER CIVIL	OTHER CIVIL
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Pet. for Modification of Magistrate Sentence
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input checked="" type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Admin. Agency	

III. JURY DEMAND: Yes x No

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): December 2012

IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
☐ Interpreter or other auxiliary aid for the hearing impaired
☐ Reader or other auxiliary aid for the visually impaired
☐ Spokesperson or other auxiliary aid for the speech impaired
☐ Other: _____

Attorney Name: Brian D. Yost, Esq. WV ID#4166
Firm Name: HOLROYD & YOST
Attorneys at Law
Address: 209 West Washington Street
Charleston, West Virginia 25302
Telephone: (304) 343-7501

Representing:
_____ Petitioner _____X_____ Defendant _____ Cross-Complainant _____ Cross-Defendant

Dated: March 2, 2012 Signature: /s/ Brian D. Yost, Esq.
☐ Pro Se